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LEGISLATIVE HISTORY
Public Law 91-522
H.R. 13978

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INDEX AND SUMMARY OF H.R. 13978

Sept. 24, 1969 Rep. Sisk introduced H.R. 13978 which was referred to House Agriculture Committee. Print of bill as introduced.

June 15, 1970 House subcommittee approved H.R. 13978 with amendments for full committee consideration.

June 18, 1970 House committee voted to report H.R. 13978.

June 29, 1970 House committee reported with amendments, H.R. 13978. H. Rept. 91-1250. Print of bill and report.

July 6, 1970 House passed H.R. 13978 as reported.

July 7, 1970 H.R. 13978 referred to Senate Agriculture and Forestry Committee. Print of bill as referred.

Sept. 16, 1970 Senate committee voted to report H.R. 13978.

Sept. 17, 1970 Senate committee reported with amendments H.R. 13978. S. Rept. 91-1204. Print of bill and report.

Sept. 21, 1970 Senate passed H.R. 13978 with amendments.

Nov. 17, 1970 House agreed to Senate amendments to H.R. 13978.

Nov. 25, 1970 Approved: P.L. 91-522

91ST CONGRESS
1ST SESSION

H. R. 13978

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1969

Mr. SISK (for himself, Mr. JOHNSON of California, Mr. LEGGETT, Mr. McFALL, Mr. MOSS, Mr. TEAGUE of California, and Mr. WALDIE) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section (8) (c) (6) (I) of the Agricultural Adjustment
4 Act of 1933, as amended, and reenacted and amended by the
5 Agricultural Marketing Act of 1937, is further amended as
6 follows by—

7 (1) inserting “almonds” before the word “cher-
8 ries”; and

(2) striking the period at the end of the proviso and inserting in lieu thereof: "and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order."

91ST CONGRESS
1ST SESSION

H. R. 13978

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

By Mr. SISK, Mr. JOHNSON of California, Mr. LEGETT, Mr. McFALL, Mr. MOSS, Mr. TENCATE of California, and Mr. WADDE

SEPTEMBER 24, 1969

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of June 15, 1970
91st-2nd; No. 98

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HIGHLIGHTS: House subcommittee approved bills permitting marketing orders for apples and marketing research for almonds. House passed bill establishing Youth Conservation Corps. Rep. Mize urged action on farm bill.

HOUSE

1. MARKETING ORDERS; MARKETING RESEARCH. An Agriculture Committee subcommittee approved for full committee action H. R. 9736 and S. 1456, permitting marketing orders applicable to apples for paid advertising; H. R. 9737 and S. 1455, including Colorado, Utah, New Mexico, Illinois and Ohio among states to participate in marketing agreement and order programs with respect to apples; and H. R. 13978, amended, authorizing marketing research and promotion projects for almonds. p. D628
2. CONSERVATION. Passed with amendments S. 1076, establishing the Youth Conservation Corps pilot program. pp. H5525-46

3. EDUCATION; CULTURAL EXCHANGE. Received from the President the annual report on the international educational and cultural exchange program. pp. H5500-1
4. ENVIRONMENT. Passed over H. Res. 562 relative to participation in the 1972 UN Conference on Human Environment. p. H5501
5. FARM BILL. Rep. Mize discussed the effect of present farm programs on feed grain farmers and urged action on the farm bill. p. H5564
6. MARINE RESOURCES. The Merchant Marine and Fisheries Committee reported H. R. 11766, amending title II of the Marine Resources and Engineering Development Act of 1966 (H. Rept. No. 91-1192). p. H5569

SENATE

7. WILDERNESS. Passed without amendment S. 1732 to designate as wilderness certain lands in the Craters of the Moon National Monument, Idaho. p. S8975
8. HOUSING. Sen. Sparkman stated that the Senate had not been guilty of foot dragging on housing legislation, noting that by a 72-0 roll call vote in late March passage was achieved of package "emergency legislation". p. S8988
9. IMPORTS; TEXTILES. Sen. Javits reviewed the current textile import controversy with Japan, suggesting that a compromise solution be reached. pp. S8991-93
10. ECONOMY. Sen. Jordan told the Idaho Republican State Convention that "the depletion of our resources by excessive and wasteful military spending is a central element of inflation".
11. ELECTRIFICATION. Sen. Harris praised the success of REA in Oklahoma and inserted a student essay on the improved quality of rural life due to REA. p. S8997

BILLS INTRODUCED

12. CCC; DAIRY PROGRAMS. S. 3961, by Sen. Dole; to make permanent the authority of the Commodity Credit Corporation to transfer dairy products to military and veterans hospitals, and to make permanent the dairy farmer indemnity payment program; to the Committee on Agriculture and Forestry. Remarks of author p. S8978
13. FISH; WILDLIFE. S. 3962, by Sen. Metcalf; to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act; to the Committee on Commerce.
14. CONSUMERS. S. 3965; by Sen. Gore; to provide for the establishment of a National Consumers Advisory Board, to the Committee on Labor and Public Welfare. Remarks of author pp. S8981-5
15. RECREATION. S. 3966, by Sen. Case; to prohibit the use of certain park and recreational lands for public work projects unless such land so utilized are replaced by lands of a like kind; to the Committee on Interior and Insular Affairs.

June 18, 1970

3. COMMITTEE ACTION. The Agriculture Committee voted to report (but did not actually report) the following bills: S. 3598 in lieu of H. R. 16543, providing for cost-sharing in RC&D projects for public-based fish and wild-life or recreational development; H. R. 11547 amended, increasing the limitations for certain loans; H. R. 15560, prohibiting the importation of certain commodities to which economic poisons have been applied; S. 1456 amended, permitting marketing orders applicable to apples for paid advertising; S. 1455, including certain states in participation in marketing agreement and order programs with respect to apples; H. R. 13978 amended, authorizing marketing research and promotion projects for almonds; and approved various watershed projects. p. D652

4. FOOD. Both Houses received from the President the annual report of activities under P.L. 480, the Food for Peace Program (H. Doc. 91-352). pp. H5762, S9240

5. POSTAL REFORM. Passed with amendments H. R. 17070, the Postal Reform bill. pp. H5762-830

6. MARINE RESOURCES. A Merchant Marine and Fisheries Committee subcommittee approved for full committee action H. R. 16607, continuing the National Council on Marine Resources and Engineering Development. p. D653

7. ADJOURNED. Until Monday, June 22.

SENATE

8. APPROPRIATIONS. An Appropriations Committee subcommittee marked up and approved for full committee consideration H. R. 17619, with amendments, the Department of Interior appropriations bill for FY 71. p. D649
The Appropriations Committee reported with amendments H. R. 17868, the District of Columbia appropriations bill for FY 71 (S. Rept. No. 91-937). p. S9241

9. BROKER-DEALER INSURANCE. Sen. Muskie reviewed the response to his bill S. 2348, to establish a program of insurance for the protection of securities industry customers, and submitted Amendment No. 709. pp. S9248-51

10. ECONOMY; INFLATION. Sen. Percy inserted an article "Inflation-An Economic Maladjustment" which rejects wage and price controls. pp. S9253-56
Sen. Mansfield commented on the President's Economic message and inserted the resolution of the Democratic Policy Committee of June 16, 1970. pp. S9260-62

11. MEAT IMPORTS; PACKING. Sen. Saxbe expressed his dismay over the closing of several meat packing plants in Ohio which did not meet Federal inspection standards on room size, commenting, with respect to foreign meat imports, that it was not "unrealistic that we require that their rooms be the same size that we require, or that Federal inspectors be present". pp. S9257-58

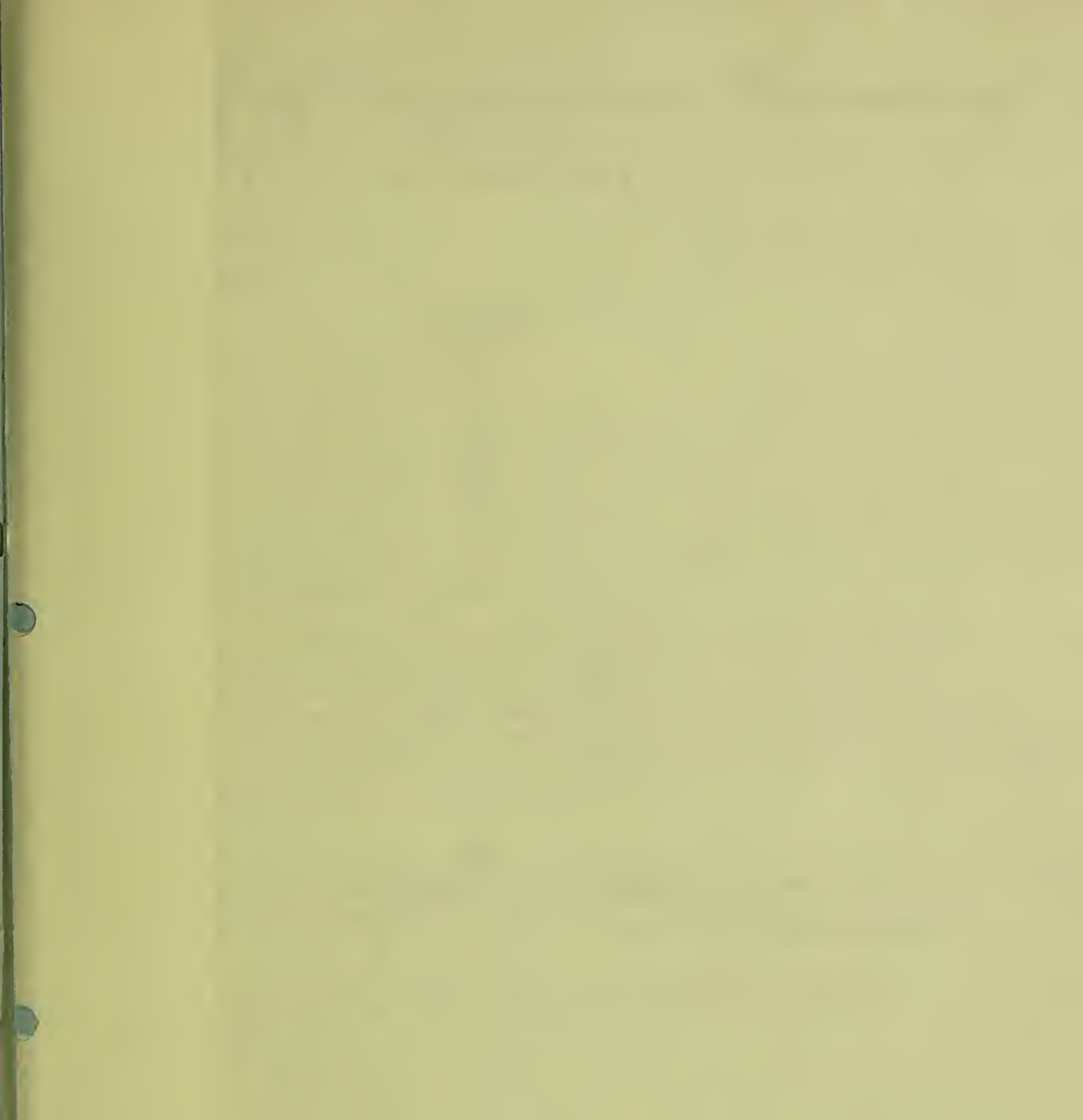
21. HOUSING. H. R. 18119, by Rep. Henderson; to increase the availability of mortgage credit for the financing of urgently needed housing; to the Committee on Post Office and Civil Service.
22. WILDLIFE. H. R. 18129, by Hanna; to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservations of the California tule elk; to the Committee on Merchant Marine and Fisheries.
23. LOANS; SOLID WASTE. H. R. 18131, by Rep. McCarthy; to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act; to the Committee on Interstate and Foreign Commerce.
24. LOANS; MINK FARMING. H. R. 18135; to authorize emergency loans under subtitle C of the Consolidated Farmers Home Administration Act of 1961 to mink farmers who suffer severe losses caused by economic conditions; to the Committee on Agriculture.
25. ENVIRONMENT. H. R. 18141, by Rep. Hathaway; to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank; to the Committee on Merchant Marine and Fisheries.
26. USER FEES. H. R. 18143, by Rep. Patman; to recognize direct benefits to the United States from the construction of the Toledo Bend Dam and Reservoir project and exempt Sabine River Authority of Texas, from further charges for the use, occupancy, and enjoyment of certain lands of the United States within the Sabine National Forest, Tex.; to the Committee on Agriculture.

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COMMITTEE HEARINGS ANNOUNCEMENTS:

JUNE 18: Food stamp program, S. Select Committee on Nutrition and Human Needs
JUNE 22: Establishment of National Environmental Data Bank, H. Merchant
Marine (Byerly to testify)

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of June 29, 1970
91st-2nd; No. 108

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HIGHLIGHTS. Senate Committee reported FY 71 agricultural appropriations bill. Senate agreed to conference report on second supplemental appropriations bill. Senate passed bill increasing public debt limit. House Committee reported bills regarding marketing orders for apples, loans for land conservation and utilization, increasing certain loan limitations, and marketing research for almonds. House subcommittees approved bills allowing FS to contract for aerial facilities and permitting marketing agreements for Hawaiian papayas.

SENATE

1. APPROPRIATIONS. Committee on Appropriations reported with amendments H. R. 17923, agricultural appropriations bill FY 71 (S. Rept. No. 91-987). A copy of the report will be attached to the Digest as soon as available.
p. S10055

Agreed to conference report on H. R. 17399, second supplemental appropriations for FY 1970. This bill now goes to the President.
pp. S10090-10100

2. DEBT LIMIT. Passed without amendment H. R. 17802 increasing the public debt limit. This bill now goes to the President. pp. S10181-82, S10194-209
3. NATIONAL PARKS; RECREATION; RIVERS AND HARBORS. Committee on Interior and Insular Affairs reported with an amendment S. 532 to establish the Arches National Park in the State of Utah (S. Rept. No. 91-990); and with amendments S. 3547 to authorize the Secretary of the Interior to construct the Narrows Unit, Missouri River Basin Project, Colorado, (S. Rept. No. 91-991). p. S10055
4. JOINT COMMITTEE ON ENVIRONMENT. Special Senate Joint Subcommittee in executive session agreed to recommend to their respective full committees the favorable reporting of S.J. Res. 207 to establish a nonlegislative Joint Committee on the Environment (but no report was actually submitted). p. D699
5. ELECTRIFICATION. Received report from Administrator, REA, reporting approval of a loan to East Kentucky REA Corp. of Winchester, Ky.; to Committee on Appropriations. p. S10054
6. WILD RIVERS; ENVIRONMENT. Sen. McIntyre reported on the saving of a N. H. wild river from urban encroachment and inserted newspaper article detailing community action which prevailed in preserving the natural stream. pp. S10069-70

HOUSE

7. COMMITTEE ACTION. The Agriculture Committee reported the following bills:
~~S. 1455, providing for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio (H. Rept. No. 91-1246); S. 3598, loans for land conservation and utilization (H. Rept. No. 91-1247); S. 1456 amended, marketing orders applicable to apples for paid advertising (H. Rept. No. 91-1248); H. R. 11547 amended, increasing limitations on certain farm loans (H. Rept. No. 91-1249); H. R. 13978 amended, marketing research and promotion projects for almonds (H. Rept. No. 91-1250). p. H6194~~
8. SUBCOMMITTEES ACTIONS. Subcommittees of the Agriculture Committee approved for full committee consideration H. R. 11953, allowing FS to contract for aerial facilities for land protection and management, and S. 2484 amended, authorizing marketing agreements for the advertising of Hawaiian papayas. p. D700
9. TARIFFS. Agreed to the Senate amendments to H. R. 14720, continuing the suspension of duties on manganese ore. This bill now goes to the President. pp. H6123-4
10. MINERALS. Agreed to the conference report on H. R. 15833, disposal of acid grade fluorspar from the national stockpile. This bill now goes to the President. p. H6126
11. RIVER BASIN. An Interior and Insular Affairs Committee subcommittee approved for full committee action H. R. 16987 amended, authorizing the construction operation, and maintenance of the Minot extension, Garrison diversion unit, Missouri River Basin project. p. D701

ALMOND ADVERTISING UNDER FEDERAL MARKETING ORDERS

JUNE 29, 1970.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 13978]

The Committee on Agriculture, to whom was referred the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 7, insert a comma after the word "almonds".

Page 1, line 8, strike out the word "and".

Page 2, line 1, after the words "end of the" insert the word "first".

Page 2, line 7, after the words "the order." insert "; and".

Page 2, line 7, insert the following:

(3) amending the second proviso to read as follows:
": *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

PURPOSE

The purpose of this bill is to permit paid brand advertising on almonds marketed under Federal marketing orders.

Under the Agricultural Marketing Agreement Act of 1937 paid advertising program for some 15 different fruits and vegetables are authorized. This bill would add almonds to that list.

In addition, the bill would permit for the first time the use of handler assessments under the order for advertising specific brands of almonds. Up until this time paid advertising under this program has been limited to promotion of the commodity itself.

NEED FOR LEGISLATION

The committee found that there is a very serious situation facing the almond industry. There are in California at this time some 130,000 bearing acres in addition to some 90,000 nonbearing acres which can be expected to come into production in the next several years.

With this substantial anticipated increase in production, it is necessary for the almond industry to market more effectively and more broadly their commodity. H.R. 13978 would give this industry a new and innovative tool to use in this effort.

As in the case of other commodities under this act, both almond growers and the public will be protected in the normal public hearing and rulemaking procedure that is followed under the marketing order program.

The committee would also point out that the technique of brand advertisement has been successfully used in Government-sponsored market development programs overseas under Public Law 480 (the Agricultural Trade Development and Assistance Act of 1954, as amended). This bill presents the opportunity to the almond industry to try the same promotion techniques here at home.

COMMITTEE AMENDMENT

The committee amendment would replace in section 5c(6)(I) of the act a proviso which will be added if the President permits H.R. 14810, a bill dealing with preharvest research, to become law. H.R. 14810 cleared the House on June 16, 1970, and is now before the President. H.R. 14810 provided that in the event there is a State research program in effect, it would not be preempted by the enactment of that legislation. The committee amendment to this bill provides that in the event there is a State market promotion program (including paid advertising) as well as a State research program in effect, it is clear that neither the enactment of this legislation nor existing provisions of the act applicable to either marketing agreements or marketing orders will preclude, preempt, or supersede any State program of this nature covering the same commodity.

HEARINGS

Public hearings were held on June 15, 1970, by the Domestic Marketing and Consumer Relations Subcommittee on H.R. 13978 by Mr. Sisk, Mr. Johnson of California, Mr. Leggett, Mr. McFall, Mr. Moss, Mr. Teague of California, and Mr. Waldie, and on H.R. 14744

by Mr. Mathias. No opposition was expressed and both the subcommittee and the full committee unanimously approved this bill.

ADMINISTRATION POSITION

The Department of Agriculture recommends that this bill be passed as indicated in the following report:

MARCH 2, 1970.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of October 14, 1969, for a report on H.R. 13978, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to permit the marketing order for almonds to provide for paid advertising and for crediting the assessment obligation of each handler with all or any portion of his direct expenditures for marketing promotion, including paid advertising, as may be authorized by the marketing order.

The Department recommends that this bill be passed.

Authority for advertising, under Federal marketing order programs, has been authorized for 14 fruit and vegetable commodities and the citrus fruits. In addition, many States have authorized the establishment of commissions or State marketing orders to promote commodities. Agricultural producers generally favor promotion programs, including advertising, as a means of maintaining or advancing their position in the marketplace. Under marketing orders, the promotion efforts are financed by assessments levied on handlers. Where a promotion program can improve the consumption of a commodity and is much favored by the commodity group, we believe the group should have an opportunity to develop a program appropriate for the commodity and its marketing structure.

In the case of almonds, it is evident that the increasing production can be sold only by developing additional outlets and new consumers. This means educating more people about almonds and almond products and securing their consumption. The proposed amendment would encourage handlers to maintain or develop their own promotions by crediting a handler's assessment obligation with such of his direct promotion expenditures as are authorized in the marketing order. Direct expenditures under an advertising program are understood to mean the cost of the media used. Also, it would permit a restriction on such crediting so that all handlers, including those promoting their brand of almonds, would participate in financing other types of almond promotion—for instance, the preparation and distribution of recipe material to home economists and food page editors of newspapers. Thus, a handler with sufficient volume for his own promotion would receive some credit against his total assessment obligation but would still make a substantial dollar contribution to the industrywide effort. The means of accomplishing this would be based on evidence presented at a public hearing and resolved by rulemaking—the normal marketing order procedure. Any projects carried out under the marketing order would be subject to the continuing review of the Secretary to insure compliance with the statute and to protect the public interest.

Almonds are produced only in the State of California. Production is increasing as cultural practices and harvesting can be largely mechanized and, so far, returns to producers have been favorable. However, new, nonbearing acreage is presently estimated as exceeding 80,000 acres as compared with about 132,000 bearing acres. Although only 86.4 million pounds, kernel basis, are the record sales of any one year, the 1969 crop is indicated to be at least 119 million pounds and still larger crops are in the offing.

The additional activity caused this Department by enactment of the proposed legislation would be absorbed within existing expenditures for marketing order programs except that the order amendment cost, if separate from other amendments, could approximate \$7,500.

The Bureau of the Budget advises that there is no objection, from the standpoint of the administration's program, to the presentation of this report.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

COST

The Department informed the committee that the additional action engendered by the enactment of H.R. 13978 would be absorbed by current marketing order programs, except than an order amendment cost, if separate from other amendments, could approximate \$7,500.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):¹

AGRICULTURAL ADJUSTMENT ACT OF 1933 AS AMENDED BY THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

* * * * *

TERMS—OTHER COMMODITIES

SEC. 8c(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant

¹ NOTE: Existing law shown with amendments contained in H.R. 14810; see explanation of committee amendment *supra*.

to the marketing order: *Provided*, That with respect to orders applicable to *almonds*, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados such projects may provide for any form of marketing promotion including paid advertising[.] and with respect to *almonds* may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: [Provided further, That the inclusion in a Federal marketing order of provisions for research shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.]: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity.



Union Calendar No. 592

91ST CONGRESS
2^D SESSION

H. R. 13978

[Report No. 91-1250]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 1969

Mr. SISK (for himself, Mr. JOHNSON of California, Mr. LEGGETT, Mr. McFALL, Mr. MOSS, Mr. TEAGUE of California, and Mr. WALDIE) introduced the following bill; which was referred to the Committee on Agriculture

JUNE 29, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section (8) (c) (6) (I) of the Agricultural Adjustment
4 Act of 1933, as amended, and reenacted and amended by the
5 Agricultural Marketing Act of 1937, is further amended as
6 follows by—

1 (1) inserting "almonds," before the word "cher-
2 ries"; ~~and~~

3 (2) striking the period at the end of the *first* pro-
4 viso and inserting in lieu thereof: "and with respect to
5 almonds may provide for crediting the pro rata expense
6 assessment obligations of a handler with all or any por-
7 tion of his direct expenditures for such marketing promo-
8 tion including paid advertising as may be authorized by
9 the order."; *and*

10 (3) *amending the second proviso to read as follows:*
11 "*: Provided further, That the inclusion in a Federal*
12 *marketing order of provisions for research and market-*
13 *ing promotion, including paid advertising, shall not be*
14 *deemed to preclude, preempt or supersede any such pro-*
15 *visions in any State program covering the same com-*
16 *modity."*

Union Calendar No. 592

91ST CONGRESS
2^D SESSION

H. R. 13978

[Report No. 91-1250]

A BILL

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

By Mr. SISK, Mr. JOHNSON of California, Mr. LEGGETT, Mr. McFALL, Mr. MOSS, Mr. TEAGUE of California, and Mr. WALDIE

SEPTEMBER 24, 1969

Referred to the Committee on Agriculture

JUNE 29, 1970

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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For actions of July 6, 1970
91st-2nd; No.111

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		Water.....7

HIGHLIGHTS: Rep. Nelson praised meat import curbs.
Rep. Mahon inserted "'budget scorekeeping report'".

HOUSE

ALMONDS. Passd with committee amendments H. R. 13978, almond advertising under Federal marketing orders. p H6339

SENATE

1. ADJOURNED until Monday, July 1. p. S10543

EXTENSION OF REMARKS

2. MEAT IMPORTS. Rep. Nelsen lauded the decision to restrict foreign meat imports and noted the action assures a "continued, steady supply of wholesome domestic meat". p. E6183
3. BUDGET. Rep. Mahon discussed the most recent "budget scorekeeping report" and inserted an excerpt and table showing the effect of Congressional actions on appropriations bills. pp. E6207-9

4. HERBICIDES. Representatives Hathaway and Ryan discussed the danger of herbicides and both placed a letter in the Record arguing that the use of polychlorinated phenolic compounds (2, 4, 5-T and others) "should be fully suspended until it has been clearly shown through the necessary chemical, biological, and environmental testing that their employment is not in fact a public health hazard". pp. E6184-7;
5. OPINION POLL. Rep. Quie noted that responses to a recent questionnaire favored establishment of the Voyageurs National Park in Minnesota. pp. E6193-4
6. FOREIGN TRADE. Rep. Donohue stated his support of a realistic tariff policy to give domestic goods "an equal change to compete in our domestic market with excessive foreign imports". pp. E6196-7
7. WATER; ENVIRONMENT. Rep. Johnson, Calif., praised the director of the California State Department of Water Resources and inserted his address discussing water power and environment. pp. E6219-21
Rep. Burton, Utah, called attention to an article commenting on the need for State involvement in decisions affecting water-use programs. pp. E6233-5
8. INFLATION. Rep. Gonzalez placed an address in the Record entitled "How Can This Inflation Be Stopped. pp. E6235-7

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COMMITTEE HEARINGS ANNOUNCEMENTS:

JULY 16: Inspection of imported livestock products, S. Agriculture (Steinmetz, C&MS, to testify)





The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To amend sections 2(3) and 8c(6) (I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, so as to permit marketing orders applicable to apples to provide for paid advertising."

A motion to reconsider was laid on the table.

ALMOND ADVERTISING UNDER FEDERAL MARKETING ORDERS

The Clerk called the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I would preface my remarks by stating that I am at a disadvantage inasmuch as I did not think these bills were eligible, under the interpretation of clause 4 rule XIII, as to the 3 requisite legislative days. However, I would like to inquire, Mr. Speaker, as to whether or not this is not a new departure and does not establish a precedent, insofar as marketing operations in research and promotional projects by brand name is concerned?

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. HALL. Yes, I yield to the gentleman from California.

Mr. SISK. I would like to be completely frank with my colleague from Missouri and state that this does set a precedent. This is a departure from the previous situation where advertising has been done by generic name only.

I might say that as I am sure my colleague has noted, the Department is supporting this bill. At the present time some brand advertising in connection with the Public Law 480 market promotion program is permitted. An example is the trade fair now going on in Japan. There are indications which lead the Department to believe that there are some very good points to be achieved through this departure.

This particular program in connection with almonds has been under consideration for the last 2 to 3 years looking to the idea of permitting a checkoff by those institutions or groups that are doing certain brand name advertising.

As I am sure my friend is familiar with the use of the word "diamond" in connection with brand name advertising but where they actually did not get credit for their contribution to the pool. But this is paid for by the producer and the processor marking the product.

The Department felt this was a good commodity with which to experiment. No Government funds will be involved in the promotion activity. Almond handlers will simply be given a credit against their

assessments levied under the Federal marketing order. We are not sure exactly how it is going to work, but we are hopeful it will be of assistance to this important industry.

This bill has the entire support of the almond industry which is a small and concentrated industry where you do not have a large number of people involved. The Department felt this was to be used more or less as a guinea pig and if it does not work out in an effective manner within a reasonable period of time, of course the industry itself will ultimately want to get rid of it, as well as the Department.

Of course, in the final analysis, as the gentleman knows, it will require a two-thirds vote of the almond industry to put it into effect in any case. But this does make it permissive to use brand advertising, as far as I know, for the first time. I want to be completely frank with my colleague.

Mr. HALL. Mr. Speaker, I thank the gentleman from California. I esteem the gentleman, and I know he is always forthright and frank not only with me but with all Members, and I want to be equally forthright in stating that I am not trying to be a nit-picker, and I have no fault to find with the almond industry, and certainly wish to state that as a matter of fact time has proved that these agricultural marketing acts and these promotional devices are quite all right in my opinion. My only question in raising this point is because of the unanimous consent that is involved, and the question of establishing a precedent. And I understand that this bill will permit domestic promotion of brand names, we understand other law now allows similar programs as in foreign overseas markets.

I would, I believe, at this time decry all of those who have marketing acts or promotional permissive orders coming in domestically to promote their products by brand names, for example, this dairy company versus that dairy company, with checking-off by the American Dairy Association, and I think we can open up a veritable Pandora's box if we do this. However, if I understand the assurances of the gentleman correctly, this is to be used by the Department of Agriculture and is still subject to a two-thirds vote of the almond producers as a pilot program or an experimental test program or, as the gentleman said, a guinea pig. However, I would certainly hate to mix the succulence of the almond with the dirty cages of the guinea pigs, although they are fine experimental animals; but this will be a test program, and then they will be back before the Congress before another checkoff is authorized, or for permission to use brand names domestic or foreign, would be automatically authorized, is that correct?

Mr. SISK. If the gentleman will yield further, I would say yes, that the gentleman has very well stated it, and quite explicitly, as to what the understanding was with the Department in connection with this.

Mr. HALL. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 13978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (8) (c) (6) (I) of the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, is further amended as follows by—

(1) inserting "almonds," before the word "cherries"; and

(2) striking the period at the end of the proviso and inserting in lieu thereof: "and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order."

With the following committee amendments:

Page 1, line 7, insert a comma after the word "almonds".

Page 1, line 8, strike out the word "and".

Page 2, line 1, after the words "end of the" insert the word "first".

Page 2, line 7, after the words "the order." insert "; and".

Page 2, line 7, insert the following:

(3) amending the second proviso to read as follows: "Provided further, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt, or supersede any such provisions in any State program covering the same commodity."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

EXTENDING THE REPORTING DATE OF THE NATIONAL COMMISSION ON CONSUMER FINANCE

Mr. REUSS. Mr. Speaker, in connection with the joint resolution just passed, House Joint Resolution 1238, on behalf of the Committee on Banking and Currency, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of a similar Senate Joint resolution (S.J. Res. 201) to extend the reporting date of the National Commission on Consumer Finance, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 201

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 404(b) of the Consumer Credit Protection Act (82 Stat. 165) is amended by striking out "January 1, 1971" and inserting "July 1, 1972" in lieu thereof.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 1238) was laid on the table.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

STRATTON BILL WILL AMEND THE AIRPORT ACT TO PROVIDE FOR TRUTH IN TAXATION ON AIRLINE TICKETS

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I think many of the Members of the House may not be aware of the fact that the transportation users' tax, which we passed 2 months ago to improve the Nation's airports, contains a very unique provision, put in in conference, which actually makes it illegal and involves a fine of \$100 for any travel agent or airline to include on an airline ticket the specific amount of the 8-percent tax which has to be paid by the customer to finance the new Federal airport expansion and safety program.

The same fine is also imposed by this act—in a section that never appeared in the House, and never appeared in the Senate, but was added in conference—for any airline travel ad that lists the specific amount of Federal tax required as part of an airline fare.

How did it happen that Congress ever passed such a strange provision? It first came to my attention from a young lady attending the American Legion Auxiliary Girl's State in Albany, N.Y. I confess I found it hard to answer her question. And I am afraid we never quite realized the impact of this section.

The purpose of this provision, so the conferees said, was simply to speed up the issuance of airline tickets by requiring the writing of only one figure instead of three; and also to prevent misleading travel advertisements which quote less than the full cost which the customer has to pay.

These are both laudable objectives, but we are certainly heading down the wrong road in trying to achieve them by making it a crime to tell the customer how much Federal tax he has to pay on his own airplane tickets. Our bill makes it look as though Congress were trying to hide from the people the amount of taxes we are asking them to pay. Nothing could be more disruptive of confidence in our Government procedure. After all, this is an age of truth-in-lending. Surely we cannot now try to enjoin similar candor as far as taxation is concerned.

So I have today introduced legislation to correct this situation. My bill would amend the law to make it permissible for ticket agents to show the amount of the tax on each ticket if they so desire, or, if a one-price arrangement does speed up the issuance of airline tickets and cut down on long waiting lines at airline ticket counters, then they can, if they prefer, simply indicate on the face of the ticket that the overall price includes an 8-percent Federal users tax for air-

port expansion and aviation safety purposes.

The same procedure would also be permitted under my bill in airline travel ads. As long as the customer knows how much the total cost of his trip will be, he surely ought to have a right to know how much he is paying in taxes too. This is what we do on every gasoline pump. Surely we cannot do less with our airline tickets.

I believe we need to act quickly to correct what clearly we never intended to do. Of course, we all want to speed up air travel procedures. But just as certainly we also want complete truth in advertising as well as complete truth in taxes.

HOW STUDENT RIOTING IS HANDLED IN ENGLAND

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I passed through London, England, Saturday on the way home from a NATO meeting in Brussels. I picked up a newspaper which featured a story about the conviction of eight Cambridge University students for riot and destruction of property. They had attacked a dinner at the university about the aims of which they disagreed and had destroyed some \$6,000 worth of university property—private property, at least.

The judge sentenced two of them to 18 months, two of them to 12 months in jail, two of them to 9 months and two of them to 6 months borstal training, which I understand has to do with training in detention in a reformatory.

The judge apologized for the light sentences, but said that he did it because they were led by evil companions.

Perhaps a few such light sentences in this country might do a good deal toward instilling some respect for private property in the minds of some who have been trying to burn our universities down.

CAPITAL FLYER ROUTES

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, this morning the metropolitan council of governments instituted the fourth of the Capital Flyer routes which will do much to improve the quality of transportation and economic development for Metropolitan Washington. This coordinated two-way service is an example of what can be done with the cooperation of the several jurisdictions of our National Capital area to provide better access to jobs for both inner city residents and suburbanites alike.

Today along with Richmond M. Keeney, Montgomery County Councilman and vice chairman of the council of government's transportation planning board and with other Montgomery Countians, I boarded the Capital Flyer at Montgomery Mall at 7:25 and in less than 50 minutes we were downtown at Fourth and C

Streets SW., after discharging a number of passengers at other stops in the Washington business district. The morning bus service providing the flow out from the city also links the Cardozo and the Adams-Morgan sections of the District of Columbia with stops at the National Institutes of Health.

The possibility of a bus service to be truly "express" is limited when the entire route winds its way through stop-and-go residential and commercial streets. The recent linkup of the George Washington Parkway from Maryland into the District of Columbia has made possible an extended straight shot from Rockville into the District. With this problem overcome it was possible to inaugurate this service today.

If Washington's suburbs and the inner city are to be a healthy, economic unit we must have rapid, comfortable transportation. I commend the council of governments for their diligent work to achieve this through this new Capital Flyer service.

ROGERS EXPRESSES CONCERN OVER ACCURACY OF CENSUS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, more than 3 months have passed since the Bureau of the Census began its formal count of the number of persons living in the United States.

This decennial counting of heads has a significant impact on the lives of us all, and many Federal, State, county, and municipal programs and services are directly affected by the enumeration.

I have grave reservations about the accuracy of the count and the thoroughness with which it is being conducted in my congressional district.

My home county of Palm Beach was tabulated at 345,553, an increase of 51 percent over the 1960 figure of 228,106. Yet, the city of West Palm Beach, the largest city in the county, showed only a 1-percent increase in population from the 1960 figure of 56,208 to the 1970 count of 56,865.

Such results as these lead to increasing concern that many residents are not being counted, and that the enumerators are not being thorough in their coverage.

I have received numerous communications from officials in Martin County, Fla., expressing concern that the district census office serving that county would be closed with only 60 percent of that county enumerated.

After contacting the Bureau of the Census, I was assured that such would not be the case, but this has not allayed the fears of many that only 70 to 80 percent of that county will be counted.

I believe that in the case of the city of West Palm Beach and in the case of Martin County, a thorough review of the enumeration procedure is warranted and I am today requesting the Bureau of the Census to look into the situation in these particular areas.

If this pattern develops in other areas

91ST CONGRESS
2^D SESSION

H. R. 13978

IN THE SENATE OF THE UNITED STATES

JULY 7, 1970

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section (8) (c) (6) (I) of the Agricultural Adjustment
4 Act of 1933, as amended, and reenacted and amended by
5 the Agricultural Marketing Act of 1937, is further amended
6 as follows by—

7 (1) inserting “almonds,” before the word “cher-
8 ries”;

1 (2) striking the period at the end of the first pro-
2 viso and inserting in lieu thereof: "and with respect to
3 almonds may provide for crediting the pro rata expense
4 assessment obligations of a handler with all or any por-
5 tion of his direct expenditures for such marketing promo-
6 tion including paid advertising as may be authorized by
7 the order."; and

8 (3) amending the second proviso to read as follows:
9 ": *Provided further*, That the inclusion in a Federal
10 marketing order of provisions for research and market-
11 ing promotion, including paid advertising, shall not be
12 deemed to preclude, preempt or supersede any such pro-
13 visions in any State program covering the same com-
14 modity."

Passed the House of Representatives July 6, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

91ST CONGRESS
2^D Session

H. R. 13978

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

JULY 7, 1970

Read twice and referred to the Committee on
Agriculture and Forestry

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of September 16, 1970
91st-2nd; No. 161

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		Wheat research.....7

HIGHLIGHTS: Senate passed bills authorizing geothermal resources development and establishing a national lakeshore at Lake Tahoe.
Senate committee voted to report F.S. authority bills re inspection of imported livestock products, clarifying aerial, wheat research, and promotion program, and authorizing marketing orders for almonds.
House appointed conferees on farm bill.

HOUSE

1. FARM BILL. Disagreed to Senate amendment to H.R. 18546, the proposed Agriculture Act of 1970, and appointed conferees. p. H8786
2. APPROPRIATIONS. Agreed to the conference report on H.R. 16900, the FY 71 Treasury-Post Office appropriation bill. pp. H8788-94

3. OUTLAYS. Received a letter from OMB transmitting a report for the period ended August 31, 1970, on the operation of section 501 of the Second Supplemental Appropriations Act, 1970, establishing a limitation on budget outlays (H. Doc. 91-388); to the Committee on Appropriations. p. H8857

SENATE

4. FARM BILL. Sen. Mansfield thanked Sen. Aiken for his effort in effecting passage of the proposed Agricultural Act of 1971 stating that "No member of this body has better served to satisfy the agricultural needs of this country". p. S15641
5. DISASTER RELIEF. Sen. Tower reported on Federal assistance to Texas disaster victims, placing in the Record the report of the Office of Emergency Preparedness which praises the Department of Agriculture for distributing 68 tons of food to the victims. pp. S15609-10
6. GEOTHERMAL STEAM; LAKE TAHOE. Passed with committee amendment in the nature of a substitute S.368 re use of geothermal resources underlying certain of the public domain lands; and agreed to the House amendment of S. 2208, to authorize a study concerning establishment of Lake Tahoe as a national lakeshore, permitting the bill now to go to the President. pp. S15758-62; S15762
7. MEAT IMPORTS; FOREST SERVICE; WHEAT RESEARCH; ALMONDS. The Committee on Agriculture and Forestry ordered the following bills favorably reported (but did not actually report):
- S. 3942, to provide for inspection of imported meat;
 - HR 11953, to clarify aerial facilities authority of the Forest Service;
 - HR 13543, to authorize program of research and promotion of markets for wheat; and
 - HR 13978, to make marketing orders applicable to almonds.
- p. D1007

BILLS INTRODUCED

8. MEAT INSPECTION. H.R. 19233, by Rep. Hansen of Idaho, to amend the Federal Meat Inspection Act to provide for more effective inspection of imported meat and meat products to prevent the importation of diseased, contaminated, or otherwise unwholesome meat and meat products; to the Committee on Agriculture. Remarks of author, pp. H8848-9

Sept 17, 1970

11. FOREIGN TRADE. Sen. Long attacked official misstatements about our real foreign trade position stating that the public has been misled into believing that we have a "favorable balance of trade"; he placed charts and a report in the Record which reflect the loss of domestic employment due to imports. pp. S15808-13
12. AGRICULTURAL EXPORTS. Sen. Dole noted that the Japanese had more than doubled their purchase of U.S. agricultural products in the past ten years to become our first billion dollar market and he submitted the Feed & Grain Association speeches by Secretary Hardin and the Japanese Ambassador-designate for the Record. pp. S15850-51
13. BILLS REPORTED. Committee on Agriculture and Forestry reported the following bills:
~~S. 3942, without amendment, providing for inspection of all livestock products imported into the United States (S. Rept. 91-1195);~~
~~H.R. 11953, without amendment, clarifying contractual authority of the FS relating to certain aerial facilities and services (S. Rept. 91-1202);~~
~~H.R. 13543, without amendment, authorizing a wheat research and promotion program (S. Rept. 91-1203); and~~
H.R. 13978, with amendments, providing for marketing orders for almonds (S. Rept. 91-1204). p. S15793

EXTENSION OF REMARKS

14. NUTRITION. Rep. Wolff placed in the Record several statements obtained during recent hearings on "Fad Diets", noting the need to crack down on unhealthy and dangerous diets and food myths. pp. E8227-31, E8266-71
5. FEDERAL EMPLOYEES. Rep. Mikva discussed his bill to amend the 'Hatch Act', to allow greater political freedoms for federal employees. pp. E8242-3

BILLS INTRODUCED

16. TAXATION. H.R. 19276, by Rep. Crane, to amend the Internal Revenue Code of 1954 to increase from \$625 to \$1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

17. FOOD-GRADING. H.R. 19285, by Rep. Lowenstein, to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.
18. FIFRA. H.R. 19316, by Rep. White, to amend the Federal Insecticide, Fungicide, and Rodenticide Act, so as to prohibit the distribution, sale, or offer for sale of the element mercury, or chemical compounds containing mercury, for use in insecticides, fungicides, and rodenticides; to the Committee on Agriculture.
19. FLOOD CONTROL. H.R. 19336, by Rep. DeLaGarza, authorizes the Secretary of Agriculture to carry out a program for flood prevention and other purposes in the Lower Rio Grande Basin, Tex., to enhance and stabilize the agricultural economy of the area; to the Committee on Agriculture.
20. AGRICULTURAL ASSOCIATIONS. H.R. 19343, by Rep. Thompson of New Jersey, to create a National Agricultural Bargaining Board, to provide standards for the accreditation of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

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COMMITTEE HEARINGS ANNOUNCEMENTS:

- SEPT. 18: Nutritional policy, Dem. Study Group (Leverton, ARS, to testify)
Prohibition of no deposit, no return containers, H. Interstate and Foreign Commerce
- SEPT. 22: Repeal of Naval Stores Act, H. Agriculture (Grange, C&MS, to testify)
- SEPT. 24: Nutritional services for elderly, H. Education & Labor (Lyng to testify)
- SEPT. 28: Emergency loans to milk farmers, S. Agriculture (Frost, FHA, to testify)
- SEPT. 29: Substantive changes in pesticides administration, S. Commerce (Irving and Mulhern, ARS, to testify)

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ADVERTISING UNDER ALMOND MARKETING ORDERS

SEPTEMBER 17, 1970.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany H.R. 13978]

The Committee on Agriculture, to which was referred the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds, having considered the same, reports favorably thereon with amendment(s) and recommends that the bill as amended do pass.

This bill would amend the marketing order law to—

- (1) authorize provision for paid advertising in marketing promotion activities under almond marketing orders;
- (2) authorize any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and
- (3) provide that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order.

At present paid advertising can be provided for by marketing orders covering cherries, carrots, citrus fruits, onions, tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, and avocados. The bill would add almonds to this list.

The provision for crediting the pro rata expense assessment of obligations of a handler with all or any part of his direct expenditures for market promotion is new; and in applying it the secretary might consider the suggestions contained in the following letter from the Almond Growers Council:

ALMOND GROWERS COUNCIL,
Modesto, Calif., August 14, 1970.

HON. SPESSARD L. HOLLAND,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: The Almond Growers Council has studied H.R. 13978, legislation to authorize marketing research and promotion projects including paid advertising for almonds. We strongly support this bill with only one reservation.

As you know, the bill is unique in the sense that for the first time handlers will be reimbursed for their direct advertising and promotion expenses while contributing toward generic advertising and promotion. This we believe will be model legislation for other commodities and it is for this reason we want your committee to carefully consider the percentage of reimbursement that will be allowed.

The legislation, as it now stands before your committee, provides that a handler shall receive a pro rata credit for his advertising costs. It is the council's position that this legislation should have a further qualification concerning this credit provision. As to whether this suggestion is incorporated as an amendment or inserted in your committee report, the council feels this should be left to the discretion of the committee. Our suggestion is that a handler should receive no more of a return than 90 percent of the contributions he has been assessed. If this procedure is adopted, it will enable the almond control board to budget for a generic advertising program of at least 10 percent of all contributions made by the handlers. If the assessment is a penny per pound, this will provide for at least \$140,000 for the 1970 season crop.

The amendment or recommendation in the report could be so worded as to enable the Secretary of Agriculture or the almond control board to move the percentage of reimbursement to a lower amount, thereby, allowing a greater budget for generic advertising.

The above subject matter comes within your jurisdiction and when the bill is enacted into law, we intend to provide the U.S. Department of Agriculture with recommendations as to amendments when the Department holds public hearings pursuant to the referendum on the marketing order.

Sincerely yours,

WARREN G. CARTER, *Chairman.*

In addition the bill makes it clear that inclusion in a Federal order of marketing promotion provisions for any commodity shall not preclude similar provisions in State orders. This extends to marketing promotion a provision which now negates preclusion in State orders of similar provisions with respect to research.

COMMITTEE AMENDMENTS

The committee amendments are technical only, correcting punctuation and a reference to the point at which new language is to be inserted.

DEPARTMENTAL VIEWS

The Department of Agricultural recommends enactment as follows:

MARCH 2, 1970.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of October 14, 1969, for a report on H.R. 13978, a bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to permit the marketing order for almonds to provide for paid advertising and for crediting the assessment obligation of each handler with all or any portion of his direct expenditures for marketing promotion, including paid advertising, as may be authorized by the marketing order.

The Department recommends that this bill be passed.

Authority for advertising, under Federal marketing order programs, has been authorized for 14 fruit and vegetable commodities and the citrus fruits. In addition, many States have authorized the establishment of commissions or State marketing orders to promote commodities. Agricultural producers generally favor promotion programs, including advertising, as a means of maintaining or advancing their position in the marketplace. Under marketing orders, the promotion efforts are financed by assessments levied on handlers. Where a promotion program can improve the consumption of a commodity and is much favored by the commodity group, we believe the group should have an opportunity to develop a program appropriate for the commodity and its marketing structure.

In the case of almonds, it is evident that the increasing production can be sold only by developing additional outlets and new consumers. This means educating more people about almonds and almond products and securing their consumption. The proposed amendment would encourage handlers to maintain or develop their own promotions by crediting a handler's assessment obligation with such of his direct promotion expenditures as are authorized in the marketing order. Direct expenditures under an advertising program are understood to mean the cost of the media used. Also, it would permit a restriction on such crediting so that all handlers, including those promoting their brand of almonds, would participate in financing other types of almond promotion—for instance, the preparation and distribution of recipe material to home economists and food page editors of newspapers. Thus, a handler with sufficient volume for his own promotion would receive some credit against his total assessment obligation but would still make a substantial dollar contribution to the industrywide effort. The means of accomplishing this would be based on evidence presented at a public hearing and resolved by rulemaking—the normal marketing order procedure. Any projects carried out under the marketing order would be subject to the continuing review of the Secretary to insure compliance with the statute and to protect the public interest.

Almonds are produced only in the State of California. Production is increasing as cultural practices and harvesting can be largely mechanized and, so far, returns to producers have been favorable. However, new, nonbearing acreage is presently estimated as exceeding 80,000

acres as compared with about 132,000 bearing acres. Although only 86.4 million pounds, kernel basis, are the record sales of any one year, the 1969 crop is indicated to be at least 119 million pounds and still larger crops are in the offing.

The additional activity caused this Department by enactment of the proposed legislation would be absorbed within existing expenditures for marketing order programs except that the order amendment cost, if separate from other amendments, could approximate \$7,500.

The Bureau of the Budget advises that there is no objection, from the standpoint of the administration's program, to the presentation of this report.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ADJUSTMENT ACT OF 1933

* * * * *

TERMS—OTHER COMMODITIES

SEC. 8c(6) In the case of the agricultural commodities and the products thereof, other than milk and its products, specified in subsection (2) orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)), no others:

* * * * *

(I) Establishing or providing for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of any such commodity or product, the expense of such projects to be paid from funds collected pursuant to the marketing order: *Provided*, That with respect to orders applicable to *almonds*, cherries, carrots, citrus fruits, onions, Tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans, or avocados such projects may provide for any form of marketing promotion including paid advertising[.] and with respect to *almonds* may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede research provisions in any State program covering the same commodity.



Calendar No. 1222

91ST CONGRESS
2^D SESSION

H. R. 13978

[Report No. 91-1204]

IN THE SENATE OF THE UNITED STATES

JULY 7, 1970

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 17, 1970

Reported by Mr. HOLLAND, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section (8) (c) (6) (I) of the Agricultural Adjustment
4 Act of 1933, as amended, and reenacted and amended by
5 the Agricultural Marketing Act of 1937, is further amended
6 as follows by—

7 (1) inserting “almonds,” before the word “cher-
8 ries”;

1 (2) ~~striking the period at the end of the first pro-~~
2 ~~viso and inserting in lieu thereof~~ *inserting before the*
3 *colon at the end of the first proviso the following:* “and
4 with respect to almonds may provide for crediting the
5 pro rata expense assessment obligations of a handler
6 with all or any portion of his direct expenditures for such
7 marketing promotion including paid advertising as may
8 be authorized by the ~~order.~~ *order*”; and

9 (3) amending the second proviso to read as follows:
10 “: *Provided further, That the inclusion in a Federal*
11 *marketing order of provisions for research and market-*
12 *ing promotion, including paid advertising, shall not be*
13 *deemed to preclude, preempt or supersede any such pro-*
14 *visions in any State program covering the same com-*
15 *modity.*”

Passed the House of Representatives July 6, 1970.

Attest:

W. PAT JENNINGS,

Clerk.

Calendar No. 1222

91ST CONGRESS
2^D SESSION

H. R. 13978

[Report No. 91-1204]

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

JULY 7, 1970

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 17, 1970

Reported with amendments

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of September 21, 1970
91st-2nd; No. 164

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HIGHLIGHTS: Senate passed bills authorizing wheat research program; relating to aerial facilities of Forest Service; providing for imported meat inspection; and providing for marketing orders for almonds.

Sen. Williams Del., inserted article critical of Assistant Secretary Robertson.

House passed bills authorizing lease and transfer of burley tobacco acreage allotments; designating certain lands as wilderness; and allowing for purchase of additional systems for motor vehicles above statutory limitation.

Rep. Perkins inserted questionnaire results noting need for adequate funding of school lunch program.

SENATE

1. FOREST SERVICE; WHEAT. Passed without amendment and cleared for the President the following bills: HR 11953, to clarify contractual authority of the Forest Service relating to certain aerial facilities and services; and HR 13543, to authorize a program of research and promotion in order to expand markets for wheat. pp. S16016-17

2. ALMONDS; ~~IMPORTED MEAT~~. Passed with amendment the following bills: HR 13978, to make marketing orders under the Agricultural Marketing Agreement Act applicable to almonds; and ~~S. 3942 to provide for inspection of all livestock products imported into the U.S.~~ pp. S16016, ~~S16071-6~~
3. PESTICIDES. Both Houses received a resolution of the Legislature of the State of California requesting that the Congress and the Secretary of Agriculture "provide a federal program for the safe and efficient disposal of unwanted environmentally harmful pesticides"; to the Committees on Agriculture. pp. S16023, H9017
4. ELECTRIFICATION. Received a letter from the Administrator, REA, reporting the approval of a loan to M.&A. Electric Power Cooperative of Poplar Bluff, Mo.; to the Committee on Appropriations. p. S16023
5. ASST. SECTY. ROBERTSON. Sen. Williams (Delaware) stated that "the man who approved the appointment of convicted promoter Billie Sol Estes.....continues to hold his \$36,000 job with the Department of Agriculture" and he placed in the Record a newspaper article critical of the Assistant Secretary. pp. S16038-39

HOUSE

6. BILLS PASSED.

Cleared for the White House:

S. 406, permitting the rotation of certain property whenever its remaining storage life is too short to justify its retention, p. H8940;

S. 3777, authorizing the entering into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts, pp. H8952-3; and

S. 2763, allowing the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitations. pp. H8955-9

Sent to the Senate:

H.R. 18686, with amendment, authorizing the lease and transfer of burley tobacco acreage allotments, p. H8941;

S. 3014 (in lieu of H.R. 19007), amended, designating certain lands as wilderness, pp. H8941-50;

S. 719, amended, establishing a national mining and minerals policy, pp. H8950-2;

H.R. 12870, providing for the establishment of the King Range National Conservation area, California, pp. H8982-5





of such leave, if any, that is in excess of the sum of (1) two hundred and forty hours and (2) the number of hours that have accrued to the credit of the transferring officer during the calendar year then current and which remain unused, shall thereafter remain to his credit until used, and shall be reduced in the manner prescribed by subsection (c) of section 6304 of title 5, United States Code.

TRAVEL AND TRANSPORTATION EXPENSES INCIDENT TO TRANSFER

SEC. 5. A transferring officer who is required to change his official station as a result of his transfer under this Act shall be paid such travel, transportation, and related expenses and allowances, as would be provided pursuant to subchapter II of chapter 57 of title 5, United States Code, in the case of a civilian employee so transferred in the interest of the Government. Such officer shall not (either at the time of such transfer or upon a subsequent separation from the competitive service) be deemed to have separated from, or changed permanent station within, a uniformed service for purposes of section 404 of title 37, United States Code.

LIFE INSURANCE OF TRANSFERRING OFFICER

SEC. 6. Each transferring officer who prior to January 1, 1958, was insured pursuant to the Federal Employees' Group Life Insurance Act of 1954, and who subsequently waived such insurance, shall be entitled to become insured under chapter 87 of title 5, United States Code, upon his transfer to the Environmental Protection Agency regardless of age and insurability.

RETIREMENT CREDITS OF TRANSFERRING OFFICER; DEPOSIT IN CIVIL SERVICE RETIREMENT AND DISABILITY FUND

SEC. 7. (a) (1) Effective as of the date a transferring officer acquires competitive status as an employee of the Agency, there shall be considered as the civilian service of such officer for all purposes of chapter 83, title 5, United States Code, (A) his active service as defined by section 211(d) of the Public Health Service Act, and (B) any period for which he would have been entitled, upon his retirement as a commissioned officer of the Public Health Service, to receive retired pay pursuant to section 211(a) (4) (B) of such Act; however, no transferring officer may become entitled to benefits under both subchapter III of such chapter and title II of the Social Security Act based on service as such a commissioned officer performed after 1956, but the individual (or his survivors) may irrevocably elect to waive benefit credit for the service under one such law to secure credit under the other.

(2) A transferring officer on whose behalf a deposit is required to be made by subsection (b) and who, after transfer to a competitive position in the Agency under section 2, is separated from Federal service or transfers to a position not covered by subchapter III of chapter 83 of title 5, United States Code, shall not be entitled, nor shall his survivors be entitled, to a refund of any amount deposited on his behalf in accordance with this section, in the event he transfers, after transfer under section 2, to a position covered by another Government staff retirement system under which credit is allowable for service with respect to which a deposit is required under subsection (b), no credit shall be allowed under such subchapter III with respect to such service.

(b) (1) The Secretary shall deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, on behalf of and to the credit of such transferring officer, an amount equal to that which such individual would be required to deposit in such fund to cover the years of service credited to him for purposes of his retirement under subsection (a)

(1), had such service been service as an employee as defined in section 8331(1) of title 5, United States Code. The amount so required to be deposited with respect to any transferring officer shall be computed on the basis of the sum of each of the amounts described in section 3(a) which were received by, or accrued to the benefit of, such officer during the year so credited.

(2) The deposits which the Secretary is required to make under this subsection with respect to any transferring officer shall be made within two years after the date of his transfer as provided in section 2, and the amounts due under this subsection shall include interest computed from the period of service credited to the date of payment in accordance with section 8334(e) of title 5, United States Code.

ASSIGNMENT OF PUBLIC HEALTH SERVICE OFFICERS TO THE ENVIRONMENTAL PROTECTION AGENCY

SEC. 8. (a) A commissioned officer of the Public Health Service who, upon the day before the effective date of the plan, is on active service therewith primarily assigned to the performance of functions described in section 2(a) (1), shall, while he remains in active service, as defined by section 211(d) of the Public Health Service Act, be assigned to the performance of duties with the Agency, except as the Secretary and the Administrator may jointly otherwise provide.

(b) Paragraph (2) of section 6(a) of the Military Selective Service Act of 1967 (50 U.S.C. App. 456(a) (2)) is amended by inserting "the Environmental Protection Agency," after "Department of Justice."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1190), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT AND JUSTIFICATION

On July 9, 1970, President Nixon sent reorganization Plan No. 3 to the Congress for consideration. This plan establishes the Environmental Protection Agency. Transferred to this new executive agency were the functions of a number of Federal offices involved in antipollution activities. Among them are the Federal Water Quality Administration; the National Air Pollution Control Administration; the Environmental Control Administration with its Bureau of Solid Waste Management; the Bureau of Water Hygiene; and, the Bureau of Radiological Health.

When Reorganization Plan No. 3 goes into effect, the pollution control effort of the Federal Government will be centralized in the Environmental Protection Agency.

Approximately 600 commissioned officers of the Public Health Service are now performing functions which would be transferred from the Department of Health, Education, and Welfare to the new Environmental Protection Agency. Most of these PHS officers are technicians and are experienced in the fight against environmental pollution.

The administration sees the need for their continuing to work in the field of pollution control and urges that these Public Health Service officers be allowed to transfer to the new Environmental Protection Agency and encouraged to do so. However, under present law these officers cannot transfer directly to Federal civilian positions.

This legislation would authorize those Public Health Service commissioned officers performing functions being transferred under the reorganization plan, or materially related to functions being transferred, to elect to acquire a competitive status and be transferred to a competitive position in the Environmental Protection Agency.

AGENCY VIEWS

Following are reports from the Honorable Elliot L. Richardson, Secretary of the Department of Health, Education, and Welfare; the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission; and, Mr. Wilfred H. Rommel, Assistant Director for Legislative Reference, Office of Management and Budget, expressing the views of their respective agencies on the bill and recommending enactment of S. 4269.

IMPROPER USES OF THE METERED MAIL SYSTEM

The Senate proceeded to consider the bill (H.R. 14485) to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, after line 5, strike out:

"Sec. 501. Postage stamps, postage meter stamps, and postal cards.

"§ 501. Postage stamps, postage meter stamps, and postal cards

On page 2, line 3, after the word "Whoever", strike out "forgest" and insert "forges"; in line 19, after the word "Office", strike out "Department," and insert "Department or by the Postal Service,"; in line 21, after the word "of", strike out "said department" and insert "The Department or Postal Service"; on page 3, line 3, after the word "Office", strike out "Department," and insert "Department or the Postal Service,"; and at the beginning of line 7, strike out "(b) Section 6(j) (6) of the Postal Reorganization Act is repealed."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1193), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF LEGISLATION

The purpose of H.R. 14485 is to strengthen the law relating to the counterfeiting of postage meter stamps or other improper uses of the metered mail system.

This proposal was recommended to the Congress in an executive communication from the Postmaster General. The need for this legislation arises from the fact that the current laws relating to the forging or counterfeiting of adhesive-type postage stamps generally do not apply to postage meter stamps.

Recent advancements in printing arts, as well as the rapid increase in the use of metered mail, give this proposal a special urgency. At present, there is no prohibition against magazines and other publications printing perfect reproductions of postage meter stamps as part of an advertisement or other illustration. As the Postmaster General has pointed out, these reproductions need only to be cut out in order to be used in lieu of genuine postage meter stamps.

Section 501 of title 18 prohibits various acts in connection with the forging or counterfeiting of postage stamps. The first section of the proposed bill would amend this section so as to include specific references to postage meter stamps.

Section 504 of title 18 authorizes printing of illustrations of postage stamps under specific conditions. Section 2 of the proposed bill would amend this section by adding a new paragraph at the end thereof. This paragraph would provide that, for the purpose of section 504, postage meter stamps be included in the term postage stamp.

In recommending this proposal, your committee notes that in fiscal year 1956 adhesive stamps and stamped paper accounted for \$1.011 billion in postal revenue, while metered postage accounted for about \$7 million less (\$1.004 billion). In contrast, metered postage accounted for \$2.612 billion in postal revenues during fiscal year 1968 (more than a 160-percent increase), while adhesive stamps and stamped paper accounted for only \$1.799 billion (less than a 78-percent increase).

ALBERT G. FELLER AND FLORA FELLER

The bill (S. 2835) for the relief of Albert G. Feller and Flora Feller was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert G. Feller and Flora Feller, of Ketchikan, Alaska, the sum of \$267.12, representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his United States Army preinduction physical examination in Anchorage.

SEC. 2. No part of the amount appropriated in this Act in excess of 20 percent shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed \$1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1200), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to authorize and direct the payment of \$267.12 to Albert G. and Flora Feller representing the cost to them of having the body of their deceased son transported from Anchorage, Alaska, to Ketchikan, Alaska, such son having drowned prior to returning from his U.S. Army preinduction physical examination in Anchorage.

STATEMENT

In its favorable report on the bill, the Department of the Army set forth the facts of the case as follows:

"The Department of the Army has no records concerning Albert G. Feller, Jr., son of Albert G. and Flora Feller, of Ketchikan, Alaska, but the following information was secured from the claimants, the Veterans of Foreign Wars, Juneau, Alaska, and the Selective Service System. In May 1966, Albert G.

Feller, Jr., a selective service registrant, was given a transportation request by the Selective Service System to cover his necessary travel from Ketchikan to Anchorage, Alaska, for the purpose of being inducted into the Army. Mr. Feller reported to the induction center on May 24, 1966, but he did not meet existing standards for induction and was rejected. Mr. Feller was given another transportation request for the return travel to Ketchikan, and was scheduled to depart on May 26, 1966. On May 30, 1966, Mr. Feller drowned while swimming in Big Lake near Anchorage, Alaska. The transportation request was returned to the issuing agency, and Mr. Feller's body was shipped home at the expense of his parents.

"All administrative claims made by the parents for reimbursement of transportation expenses for their son's body were denied by the Department of the Army on the ground that Mr. Feller had never acquired military status and no authority existed for payment. The Selective Service System also rejected claims by Mr. and Mrs. Feller for reimbursement on the ground that it had no authority to make payment. The pertinent Army regulation (AR 606-270, para. 12) in force at the time of Mr. Feller's death states that: 'For registrants for induction, financial responsibility for transportation, meals, and lodging, while traveling to and from AFERS-Selective Service System [is responsible agency].' If Mr. Feller had lived, this provision would have covered his return transportation.

"Mr. Feller traveled to Anchorage to report for induction. The United States was obligated to provide him with transportation to his home in Ketchikan. His untimely death terminated this obligation. There is no statutory or regulatory authority permitting administrative settlement of this claim. It is the opinion of the Department of the Army that it would be equitable to reimburse the parents under the unusual circumstances of this case.

"The cost of the bill, if enacted, would be \$267.12.

"The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee."

The committee, after a review of the foregoing, believes that the bill is meritorious and recommends favorable consideration of S. 2835, without amendment.

RENEWAL OF CERTAIN FOREST SERVICE CONTRACTS WITHOUT ADVERTISING

The bill (H.R. 11953) to amend section 205 of the Act of September 21, 1955 (58 Stat. 736) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1202), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would permit the Forest Service to renew certain annual contracts twice without additional advertising.

At present the Forest Service has such authority with respect to procurement of aerial facilities and services for the protection of the national forests. The bill would (1) extend this authority to similar contracts with respect to other lands administered by the Forest Service, and (2) make it clear that it covers contracts for the furnishing at the airbase of facilities, equip-

ment, and materials and the preparation, mixing and loading into aircraft.

AGRICULTURAL MARKETING RESEARCH AND PROMOTION

The Senate proceeded to consider the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 1, after "(2)", strike out "striking the period at the end of the first proviso and inserting in lieu thereof"; and insert "inserting before the colon at the end of the first proviso the following"; and in line 8, after the word "the", strike out "order." and insert "order";.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1204), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the marketing order law to—

(1) authorize provision for paid advertising in marketing promotion activities under almond marketing orders;

(2) authorize any such almond order to permit all or any portion of a handler's direct marketing promotion expenditures to be credited against his assessment under the order; and

(3) provide that inclusion of marketing promotion provisions in a marketing order shall not preclude similar provisions in a State order.

At present paid advertising can be provided for by marketing orders covering cherries, citrus fruits, onions, tokay grapes, fresh pears, dates, plums, nectarines, celery, sweet corn, limes, olives, pecans and avocados. The bill would add almonds to this list.

PROGRAM OF RESEARCH AND PROMOTION FOR WHEAT

The Senate proceeded to consider the bill (H.R. 13543) to establish a program of research and promotion for U.S. wheat.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1203), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR THE LEGISLATION

Successful operation of wheat commissions in 10 of the commercial wheat States has spawned this legislation. These commissions, enabled by State legislation and financed by producer assessment, have an excellent record of achievement and have proven beyond a doubt that accumulated research and promotion funds can be put to constructive use.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of November 17, 1970
91st-2nd; No. 183

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HIGHLIGHTS: House agreed to Senate amendments to bill authorizing marketing research and promotion projects for almonds.
Senate scheduled to take up conference report on Farm Bill on Thursday, November 19.

SPECIAL ANNOUNCEMENT

IN THE NEXT FEW WEEKS THIS OFFICE PLANS TO DISPOSE OF THE BULK OF THE BILLS, DOCUMENTS, AND HEARINGS ACCUMULATED DURING THE 91ST CONGRESS. AFTER THE CLOSE OF THE CONGRESS, COPIES OF BILLS, HEARINGS, AND SELECTED DOCUMENTS WILL BE AVAILABLE FOR LIBRARY LENDING ONLY. IF YOU HAVE NEED FOR ADDITIONAL COPIES OF MATERIAL PUBLISHED DURING THE 91ST CONGRESS, NOTIFY THIS OFFICE OF YOUR NEEDS AS SOON AS POSSIBLE. SEND YOUR REQUEST TO THE DIVISION OF LEGISLATIVE AND FINANCIAL REPORTING, ROOM 113-E.

HOUSE

1. ALMONDS. Agreed to the Senate amendments to H.R. 13978, authorizing marketing research and promotion projects including paid advertising for almonds. This bill now goes to the President. p. H10362
2. COMMITTEE ACTION. Merchant Marine and Fisheries Committee voted to report (but did not actually report) the following bills:
H.R. 15188 amended, providing a criminal penalty for shooting at certain birds, fish and other animals from an aircraft; and
H.R. 17436 amended, providing for a National Environmental Data Bank.
pp. D1165-6
3. FOREIGN TRADE. Representatives Gibbons and Vanik urged defeat of the proposed closed rule for H.R. 18970, the proposed Trade Act of 1970. pp. H10357, H10453-4
H.R. 18970, the trade bill, is scheduled for floor consideration Wednesday, Nov. 18. p. H10443

SENATE

4. FARM BILL. Sen. Mansfield stated that the conference report on the Farm Bill would be considered on Thursday. p. S18374
5. FOREIGN TRADE. Sen. Hatfield spoke against the Trade Act of 1970, fearing retaliation against American agricultural exports, especially wheat. pp. S18296-300

EXTENSION OF REMARKS

6. FOREIGN TRADE. Rep. Vanik inserted an article citing the "disastrous effect the Trade Act of 1970 will have on the American consumer" and Rep. Sikes called attention to a statement in support of the legislation. pp. E9593-6, E9602-4
7. HORSES. Rep. Whitehurst included his statement in support of S. 2543, the Horse Protection Act. p. E9621

BILLS INTRODUCED

8. ENVIRONMENTAL DATA. S. 4496, by Sen. Hart, to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data System; to the Committee on Commerce. Remarks of author, pp. S18276-7.





FRANCIS X. TUSON

The Clerk called the bill (H.R. 4463) for the relief of Francis X. Tuson.

There being no objection, the Clerk read the bill as follows:

H.R. 4463

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That notwithstanding the limitations of section 2401 of title 28 of the United States Code, or of any other statute of limitations, jurisdiction is hereby conferred upon any United States district court to hear, determine, and render judgment in accordance with the otherwise applicable tort claims provisions of title 28 upon the claims of Francis X. Tuson of Worcester, Massachusetts, against the United States, based upon an accident which occurred on or about May 31, 1962, when a United States mail truck collided with a police ambulance operated by him at Commercial and Foster Streets in Worcester, Massachusetts. Any action commenced under the authority of this Act shall be filed within one year of the date of approval of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK E. DART

The Clerk called the bill (H.R. 13182) for the relief of Frank E. Dart.

There being no objection, the Clerk read the bill as follows:

H.R. 13182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Ephraim Dart, chief petty officer, United States Navy, the sum of \$6,678.00 representing compensation for the loss of his household goods and personal effects which were destroyed by a fire on February 18, 1969, at the Collings Warehouse in Westerly, Rhode Island, where the goods and effects were in temporary storage while Mr. Dart was awaiting Government quarters. The fire occurred after the expiration of Mr. Dart's period of authorized temporary storage at Government expense, but he never received notice of the expiration of such period.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That the claim previously filed by Frank E. Dart, Chief Badarman, United States Navy, for the loss of personal effects and household goods suffered as the result of a fire on or about February 18, 1969 at Collings Moving and Storage, Westerly, Rhode Island, shall be held and considered to be a claim cognizable under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (Public Law 89-185, 78 Stat. 767, as amended; 31 U.S.C. 240-243), and the Secretary of the Navy is hereby authorized to consider, settle, and, if found meritorious, to pay the claim in accordance with the other-

wise applicable provisions of that Act. The United States shall be subrogated to any rights of the said Frank E. Dart against any third parties based on the same loss to the extent of the amount so paid."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RUTH V. HAWLEY, MARVIN E. KRELL, ALAINE E. BENIC, AND GERALD L. THAYER

The Clerk called the bill (H.R. 14703) for the relief of Ruth V. Hawley, Marvin E. Krell, Alaine E. Benic, and Gerald L. Thayer.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

THADDEUS J. PAWLAK

The Clerk called the bill (H.R. 15270) for the relief of Thaddeus J. Pawlak.

There being no objection, the Clerk read the bill as follows:

H.R. 15270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$1,042.50 to Thaddeus J. Pawlak of the Department of the Army, formerly of Chicago, Illinois, who was ordered to report for duty at his new duty station at Fort Sheridan, Illinois, on or about May 7, 1967, for relocation allowances authorized by the Administrative Expenses Act of 1946 (60 Stat. 806), in accordance with the provisions of the regulations of the Bureau of the Budget contained in Circular Numbered A-56 Revised, October 12, 1966, except that the time limits contained in section 4.1d of the circular will not be applied to expenses incurred in connection with said relocation prior to the enactment of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 5, strike "Thaddens" and insert "Thaddeus".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK B. SMITH AND CHARLES N. MARTIN, JR.

The Clerk called the bill (H.R. 15505) for the relief of Jack B. Smith and Charles N. Martin, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 15505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Jack B. Smith, postmaster, and Charles N. Martin, Junior, publisher of Atlanta's Suburban Reporter of Atlanta, Georgia, are relieved of liability to the United States in the amount of \$3,696.80, an amount claimed to be due by the Post Office Department for revenue deficiencies resulting from errors in postage on second-class material at the post office at East Point, Georgia, in the period from July, 1964 through 1967, inasmuch as the material which should have been rated second-class and received second-class service, was on instructions from the Post Office Department and Postmaster, rated, handled and transmitted as third-class material and did not at any time receive second-class treatment.

SEC. 2. Charles N. Martin, Junior is hereby relieved of the obligation of \$3,696.80, which represents the differential between second-class and third-class service, and Jack B. Smith, postmaster, is likewise relieved of any obligation related thereto, and the Post Office Department is further instructed to make the necessary bookkeeping entries to remove this item as an amount due inasmuch as second-class service was never rendered.

With the following committee amendments:

Page 1, line 6, strike "\$3,696.80" and insert "\$3,572.18".

Page 2, line 5, strike "\$3,696.80" and insert "\$3,572.18".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

WARREN BEARCLOUD, PERRY PRETTY PAINT, AGATHA HORSE CHIEF HOUSE, MARIE PRETTY PAINT WALLACE, AND PERA PRETTY PAINT NOT AFRAID

The Clerk called the bill (H.R. 15805) for the relief of Warren Bearcloud, Perry Pretty Paint, Agatha Horse Chief House, Marie Pretty Paint Wallace, and Pera Pretty Paint Not Afraid.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RICHARD N. STANFORD

The Clerk called the bill (H.R. 16965) for the relief of Richard N. Stanford.

There being no objection, the Clerk read the bill as follows:

H.R. 16965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard N. Stanford (Chief Warrant Officer, United States Air Force, retired) of Fort Walton Beach, Florida, is relieved of liability to the United States in the amount of \$3,044.16, representing the living quarters allowance received by the said Richard N. Stanford as a result of administrative error during the period beginning June 13, 1966, through April 30, 1968, while he was employed by the Department of the Air Force at the Rhein-

Main Air Base, Germany. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Richard N. Stanford an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike "\$3,044.16" and insert "1,921.62".

Page 2, line 1, strike "Unitd" and insert "United".

Page 2, line 12, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRENE SADOWSKA SULLIVAN

The Clerk called the bill (S. 1785) for the relief of Irene Sadowska Sullivan.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

ADVERTISING UNDER ALMOND MARKETING ORDERS

Mr. SISK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13978) to amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 1 and 2, strike out "striking the period at the end of the first proviso and inserting in lieu thereof" and insert "inserting before the colon at the end of the first proviso the following".

Page 2, line 7, strike out "order." and insert "order".

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 353]

Abbutt	Ellberg	Mathias
Abernethy	Fallon	May
Adams	Farbstein	Mayne
Alexander	Feighan	Meskill
Annuozio	Fish	Mills
Aspinall	Flowers	Mize
Baring	Ford,	Montgomery
Beall, Md.	William D.	Murphy, Ill.
Berry	Gallagher	Ottlinger
Blackburn	Gaydos	Pettis
Blatnik	Gilbert	Pike
Brock	Goodling	Pirnie
Brown, Calif.	Gray	Poage
Brown, Mich.	Halpern	Podell
Brown, Ohio	Hansen, Wash.	Powell
Buchanan	Hays	Price, Tex.
Button	Hosmer	Rallsback
Camp	Hungate	Rivers
Celler	Jarman	Rodino
Clark	Jones, Tenn.	Roudebush
Clawson, Del.	Kaykendall	Ruppe
Clay	Lanven	Sandman
Coughlin	Lowenstein	Scheuer
Cowger	Lukens	Skubitz
Daddario	McCarthy	Smith, N.Y.
de la Garza	McCloskey	Springer
Dent	McClure	Stanton
Devine	McKneally	Symington
Dowdy	Macdonald,	Thomson, Wis.
Dulski	Mass.	Wilson, Bob
Edmondson	Mann	Wold

The SPEAKER. On this rollcall 342 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE COMPREHENSIVE MANPOWER ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1252 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1252

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 19519) to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any person to qualify for employment consistent with his highest potential and capability, and for other purposes, and all points of order against sections 502, 515, and 522 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the con-

clusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommi

The SPEAKER pro tempore (Mr. Moss). The gentleman from Indiana (Mr. MADDEN) is recognized for 1 hour. (Mr. MADDEN asked and was given permission to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1252 provides an open rule with 2 hours of general debate for consideration of H.R. 19519. This comprehensive legislation will answer a long-delayed need for development of a national manpower policy to be implemented by reorganizing and extending the present manpower system. The Education and Labor Committee has held extensive hearings on this manpower legislation. All segments of our economy—business, industry, labor, representatives of the administration—have testified before the Education and Labor Committee on the necessity to streamline, expand, and more effectively establish a system that will, eventually, train and aid millions of our workers, both young people and elderly unemployed, to secure employment and diminish our welfare and relief rolls.

The necessity for the Congress to take decided action on this long-delayed legislation meets the endorsement of about everybody who has read the provisions of this bill. The Secretary of Labor and the Nixon administration entirely endorse the legislation as is evidenced by a letter received by Chairman PERKINS from J. D. Hodgson, Secretary of Labor, which I include with my remarks:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 30, 1970.

HON. CARL D. PERKINS,
House of Representatives,
Washington, D.C.

DEAR CHAIRMAN PERKINS: It gives me great pleasure to advise you that the bill entitled the Comprehensive Manpower Act, introduced today by Congressmen O'Hara, Quie, and Steiger, has the full support of the administration. This bill a responsible response to President Nixon's request for comprehensive manpower legislation and is consonant with the basic principles of manpower program reform he proposed.

You may be sure that this bill has my warmest personal support.

Sincerely,

J. D. HODGSON,
Secretary of Labor.

Mr. Speaker, one of the outstanding features of the bill has been to recognize the need to provide for State and local employment program planners to train and provide suitable workers to meet the individual local needs and respond to extraordinary local community conditions. In the past confusion and various activities and administrative restrictions have seriously handicapped the effectiveness of manpower programs. Demands for reform of these unemployment and



Public Law 91-522
91st Congress, H. R. 13978
November 25, 1970

An Act

84 STAT. 1357

To amend the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, as amended, to authorize marketing research and promotion projects including paid advertising for almonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (8) (c) (6) (1) of the Agricultural Adjustment Act of 1933, as amended, and reenacted and amended by the Agricultural Marketing Act of 1937, is further amended as follows by—

(1) inserting “almonds,” before the word “cherries”;

(2) inserting before the colon at the end of the first proviso the following: “and with respect to almonds may provide for crediting the pro rata expense assessment obligations of a handler with all or any portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized by the order”; and

(3) amending the second proviso to read as follows: “: *Provided further*, That the inclusion in a Federal marketing order of provisions for research and marketing promotion, including paid advertising, shall not be deemed to preclude, preempt or supersede any such provisions in any State program covering the same commodity.”

Approved November 25, 1970.

Almonds.
Marketing
orders, paid
advertising.
68 Stat. 906;
Ante, p. 333.
7 USC 608c.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1250 (Comm. on Agriculture).

SENATE REPORT No. 91-1204 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD, Vol. 116 (1970):

July 6, considered and passed House.

Sept. 21, considered and passed Senate, amended.

Nov. 17, House concurred in Senate amendments.

